

**Notice of Allowability**

Application No.

10/031,034

Examiner

Khanh Tran

Applicant(s)

HAUPTMANN ET AL.

Art Unit

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 06/20/2006.
2. ☒ The allowed claim(s) is/are 23-35, which have been renumbered as set forth in the Office action.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

1. The Amendment filed on 06/20/2006 has been entered. Claims 23-35 are pending in this Office action.

2. Claims have been renumbered as shown below, respectively:

claims 23-24 renumbered as claims 1-2;

claim 28 renumbered as claim 3;

claim 32 renumbered as claim 4;

claim 25 renumbered as claim 5;

claim 29 renumbered as claim 6;

claim 26 renumbered as claim 7;

claim 30 renumbered as claim 8;

claim 27 renumbered as claim 9;

claim 31 renumbered as claim 10; and

claims 33-35 renumbered as claims 11-13.

### ***Response to Arguments***

3. Applicant's arguments, see pages 8-11 under Applicant's Remarks, filed on 06/20/2006, with respect to claims 23-34 have been fully considered and are persuasive. The rejection of claims 23-34 has been withdrawn.

Examiner's comments: the Examiner likes to point out that the claimed digital frequency splitter is just a digital adder. As disclosed in the original disclosure (page 10 lines 35-38, see also FIG. 2), the claimed invention states that after being filtered in the POTS splitter 28, the digital voice signal and the digital data signal are **added in a digital adder 29** to form a digital transmission signal. In view of the foregoing original disclosure, the claimed digital frequency splitter is just a digital adder 29 as shown in FIG. 2. However, Kahl does not teach other claimed limitations and Applicant correctly points out on page 9 that one of ordinary skill in the art would not be motivated to combine Kahl and Amrany teachings for other reasons.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

4. Regarding claim 23, claim is allowable over prior art of record because the cited references (Kahl US Patent 5,969,567 and Amrany US Patent 6,067,316) taken individually or in combination do not teach the uniquely distinct features "wherein the reception path, which carries the first analog broadband signal, b1) is subdivided into an analog path for voice signals and a path, which is separate from this, for data signals, b2) wherein an analog-to-digital converter is provided at the end of each of these two paths for conversion to respectively corresponding digital signals" and "b3) wherein a balance filter, which is driven by the second analog broadband signal, is arranged between the transmission path after the output of the digital-to-analog converter and the

subtraction input of a subtraction element, which is connected upstream of the analog-to-digital converter in the separate analog data signal path of the reception path".

5. Regarding claims 34-35, claims are allowable over prior art of record because the cited references (Kahl US Patent 5,969,567 and Amrany US Patent 6,067,316) taken individually or in combination do not teach the uniquely distinct features "wherein the reception path, which carries the first analog broadband signal, b1) is subdivided into an analog path for voice signals and a path, which is separate from this, for data signals, 2) wherein an analog-to-digital converter is provided at the end of each of these two paths for conversion to respectively corresponding digital signals" and "b3) wherein a balance filter, which is driven by the second analog broadband signal, is arranged between the transmission path after the output of the digital-to-analog converter and the subtraction input of a subtraction element, which is connected upstream of the analog-to-digital converter in the separate analog data signal path of the reception path".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT

*Khanh Cong Tran*

09/07/2006

Primary Examiner KHANH TRAN